



# Marine Aquaculture Development Act Update

Joint Legislative Oversight Committee on Agriculture and Natural and  
Economic Resources

March 13, 2018

*Department of Environmental Quality  
Division of Marine Fisheries*



# *Marine Aquaculture Development Act*

## *Session Law 2017-190/Senate Bill 410*



### **The Marine Aquaculture Development Act:**

- Establishes a program for the leasing of public bottom and superjacent water column for marine aquaculture;
- Requires the Division of Marine Fisheries of the Department of Environmental Quality to request the issuance of federal rules to allow marine aquaculture in federal waters off the coast of the state;
- Establishes additional transparency requirements for members of the Marine Fisheries Commission; and
- Exempts American eels imported from Virginia or South Carolina from the permitting requirements of the Importation of Marine and Estuarine Organisms Rule and requires Marine Fisheries Commission rules to be similarly amended.





### **Legislative Findings and Declaration of Policy:**

- The General Assembly finds that development of a marine aquaculture industry in the state provides increased seafood production and long-term economic and employment opportunities.
- The General Assembly declares that it is the policy of the state to encourage the development of private, commercial marine aquaculture in ways that are compatible with other public uses of marine and estuarine resources such as navigation, fishing, and recreation.



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### **SECTION 1. Requirement**

Secretary of the Department of Environmental Quality given the authority to grant marine aquaculture leases, establishes minimum standards and criteria for these leases, and protection of private marine aquaculture rights provided.

### **Response**

No marine aquaculture lease applications submitted to date.



An open-ocean fish farm in Hawaii. COURTESY OF [BRYCE GROARK](#)

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### **SECTION 2. Requirements**

The act requires the Division of Marine Fisheries to:

- Request Mid-Atlantic and South Atlantic Fishery Management Councils develop a fishery management plan for regulating aquaculture in federal waters offshore of North Carolina.
- Petition the National Oceanic and Atmospheric Administration to initiate rule-making proceedings to implement comprehensive regulatory program for managing the development of an environmentally sound and economically sustainable aquaculture fishery in federal waters offshore of North Carolina.

### **Response**

Letters sent and ongoing conversations occurring with both councils and the National Oceanic and Atmospheric Administration.





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### **SECTION 3. Requirement**

Establish official e-mail accounts for Marine Fisheries Commissioners. E-mail accounts shall be used for all electronic communications related to work of the commission and those communications shall be considered public records.

### **Response**

Official state email accounts established in early August 2017.





### **SECTION 3.1. Requirements**

Marine Fisheries Commission shall adopt a rule to amend the Importation of Marine and Estuarine Organisms Rule to allow use of American eels imported from Virginia or South Carolina in an aquaculture operation. Until amended rule is adopted, the use of American eels imported from Virginia or South Carolina in an aquaculture operation is exempt from the permitting requirements of the Importation of Marine and Estuarine Organisms Rule.

### **Response**

- American eels imported from Virginia or South Carolina are being exempted from the permitting requirements of the Importation of Marine and Estuarine Organisms Rule.
- Amendment to this rule will be included in an upcoming commission rulemaking cycle.



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*Questions?*

